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Attorneys for Defendant  
Stephen Keith Chamberlain

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL RICHARD LYNCH AND  
STEPHEN KEITH CHAMBERLAIN

Defendants.

CASE NO. 3:18-cr-00577-CRB

**Declaration of Gary S. Lincenberg in  
Support of Stephen Chamberlain's Motion  
to Dismiss Counts One through Fifteen and  
Seventeen Of the Superseding Indictment as  
Time-Barred**

Date: November 1, 2023

Time: 1:30 p.m.

Place: Courtroom 6

Assigned to Hon. Charles R. Brever

**DECLARATION OF GARY S. LINCENBERG**

I, Gary S. Lincenberg, declare as follows:

1. I am an active member of the Bar of the State of California and a Principal with Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow PC, attorneys of record for Defendant Stephen Keith Chamberlain in this action. I make this declaration in support of Stephen Chamberlain's Motion to Dismiss Counts 1-15 and 17 of the Superseding Indictment on Timeliness Grounds. Except for those matters stated on information and belief, I make this declaration based upon personal knowledge and, if called upon to do so, I could and would so testify.

2. When I began representing Mr. Chamberlain in July 2014, Mr. Chamberlain was a target of the government's investigation. In 2016, government counsel advised of their intent to indict Mr. Chamberlain. As a condition of meeting with defense counsel for a pre-indictment presentation to the government, on September 20, 2016 Mr. Chamberlain and I signed a tolling agreement from September 19 through November 10, 2016. On November 10, 2016, the government secured an indictment solely against Sushovan Hussain.

3. Also in 2016, both Poppy Gustafsson nee Prentis and Lisa Harris voluntarily met with me and expressed a willingness to give evidence on behalf of Mr. Chamberlain. No formal steps were taken to secure their testimony because Mr. Chamberlain had not yet been indicted.

4. I have since reached out to counsel for both witnesses, who reside in the United Kingdom, about their willingness to testify in Mr. Chamberlain's defense in this matter. Both have indicated that they will not voluntarily travel to the United States to do so.

5. Attached as **Exhibit 1** is a true and correct copy of a document produced by the government in this matter under Bates number USAO 00003434, which is an August 10, 2015 request from the United States to the Holy See and Vatican City for "information concerning a potential transaction in 2010 connected to the Vatican Apostolic Library."

6. Attached as **Exhibit 2** is a true and correct copy of a document produced by the government in this matter under Bates number MLAT\_AU 00000011. It is a December 18, 2015 Request for International Judicial Assistance in the Criminal Investigation of Autonomy

1 Corporation sent by the Department of Justice to the Secretariat of State for the Holy See and  
2 Vatican City State.

3 7. Attached as **Exhibit 3** is a true and correct copy of a document produced by the  
4 government to defense counsel as an attachment to a September 23, 2023 email, which the  
5 government described as the attachment to a December 23, 2015 request to Italy. No Bates-  
6 numbered version of this document has been produced as of the date of the filing of this motion.

7 8. Attached as **Exhibit 4** is a true and correct copy of the Declaration of AUSA  
8 Robert S. Leach in Support of the United States' *Ex Parte* Application for an Order Suspending  
9 the Statute of Limitations Pursuant to 18 U.S.C. § 3292 in the matter captioned *In re Grand Jury*  
10 *Investigation No. 2012R02242*, No. CR-90491 (the "Grand Jury Investigation") filed on January  
11 29, 2016 and produced in this action under Bates number USAO 00003310. For brevity, the copy  
12 attached to this declaration does not include the attached exhibits.

13 9. Attached as **Exhibit 5** is a true and correct copy of an Order Suspending the  
14 Running of the Statute of Limitation Under 18 U.S.C. § 3292, entered in the Grand Jury  
15 Investigation on January 29, 2016. It was produced in this action under Bates number USAO  
16 00003603.

17 10. Attached as **Exhibit 6** is a true and correct copy of a document the government  
18 produced in this matter under Bates number MLAT\_AU 00000001. It is an April 18, 2016 letter  
19 from the Office of International Affairs of the Department of Justice addressed to Robert Leach.

20 11. Attached as **Exhibit 7** is a true and correct copy of a document the government  
21 produced in this matter under Bates number MLAT\_AU 00000777. It is an April 18, 2016 letter  
22 from the Office of International Affairs of the Department of Justice addressed to Robert Leach.

23 12. Attached as **Exhibit 8** is a true and correct copy of a document the government  
24 produced in this matter under Bates number MLAT\_AU 00004917. It is an May 25, 2016 letter  
25 from the Office of International Affairs of the Department of Justice addressed to Robert Leach.

26 13. Attached as **Exhibit 9** is a true and correct copy of a document the government  
27 produced in this matter under Bates number USAO 00003559. It is a January 29, 2016 letter from  
28 the Office of International Affairs of the Department of Justice to the United Kingdom Central

1 Authority.

2 14. Attached as **Exhibit 10** is a true and correct copy of an Order Suspending the  
3 Running of the Statute of Limitation Under 18 U.S.C. § 3292, entered in the Grand Jury  
4 Investigation on June 7, 2016. It was produced in this action under Bates number USAO  
5 00003606.

6 15. Attached as **Exhibit 11** is a true and correct copy of a document the government  
7 produced in this matter under Bates number USAO 00003593. It is a December 13, 2017 letter  
8 from the United Kingdom Central Authority to the Department of Justice.

9 16. Attached as **Exhibit 12** is a true and correct copy of a document the government  
10 produced in this matter under Bates number MLAT\_AU 00105991. It is a March 22, 2019 letter  
11 from the United Kingdom Central Authority to the Department of Justice.

12 17. Attached as **Exhibit 13** is a true and correct copy of a Statute of Limitations  
13 Tolling Agreement between Stephen Chamberlain and the United States of America, executed  
14 September 20, 2016.

15 18. Attached as **Exhibit 14** is a true and correct copy of a document the government  
16 produced in this matter under Bates number USAO 00003580. It is a May 1, 2017 letter from the  
17 Office of International Affairs of the Department of Justice to the United Kingdom Central  
18 Authority.

19 19. Attached as **Exhibit 15** is a true and correct copy of an Third Order Suspending the  
20 Running of the Statute of Limitation Under 18 U.S.C. § 3292, entered in the Grand Jury  
21 Investigation on June 7, 2016. It was produced in this action under Bates number USAO  
22 00003301.

23 20. Attached as **Exhibit 16** is a true and correct copy of Trial Exhibit 1512 from the  
24 *United States v. Hussain* proceeding.

25 21. Attached as **Exhibit 17** is a true and correct copy of a document produced by the  
26 government in this matter under Bates number USAO-EMAIL 008341. It is an October 15, 2015  
27 letter from Morgan, Lewis & Bockius LLP to the government.

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1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct, and that I executed this declaration on September 29, 2023, at Los  
3 Angeles, California.

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5 /s/ Gary S. Lincenberg  
6 Gary S. Lincenberg  
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